

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Adams, et al. v. Teck Cominco, et al.

THE HONORABLE JOHN W. SEDWICK 3:04-cv-00049 JWS

PROCEEDINGS: **ORDER FROM CHAMBERS** **May 14, 2008**

At the final pre-trial conference on May 9, 2008, the parties identified a dispute over what transpired at the exhibit review session. The court strongly advised the parties to work out the dispute among themselves. In the event the parties were unable to do so, the court ordered the parties to file papers by Monday, May 12, 2008, identifying the issues in dispute and naming the witnesses who will be called to give testimony at a hearing before Judge Burgess during the week of May 12, 2008, after he reviewed the papers to be filed on Monday.

On May 12, 2008, Teck Cominco requested a one-day extension to continue working with plaintiffs to resolve the dispute. In its request for an extension, Teck Cominco indicated that it intends to call five witnesses if a hearing is necessary. By order dated May 13, 2008, the court granted Teck Cominco's request for a one-day extension, ordering the parties to file the necessary papers by 4:30 p.m. on May 13, 2008. On May 13, 2008, Teck Cominco filed a request for a hearing before Judge Burgess on Friday, May 16, 2008. Teck Cominco indicated that all issues raised in its objections to plaintiffs' exhibits remain in dispute, but that it is likely the issues will be significantly narrowed in the near future.

The parties have failed to comply with the court's order dated May 9, 2008, requiring the parties to file papers by May 12, 2008, and the court's subsequent order requiring the parties to file papers by May 13, 2008, identifying the issues in dispute. In addition, plaintiffs have failed to comply with the court's order to name the witnesses who will be called to give testimony.

IT IS HEREBY ORDERED that a hearing on the dispute between the parties is set for Thursday, May 15, 2008, at 3:00 p.m. in Courtroom 1. The parties are further **ORDERED** to file briefs by 9:00 a.m. on May 15, 2008, setting forth the issues in dispute, their respective positions, and the witnesses to be called in the hearing. The parties' briefs shall not exceed five pages in length and shall include an explanation of why they failed to comply with the court's orders dated May 9 and May 13, 2008.
